

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DASHI HURSEY, #273259,

Plaintiff,

File No. 1:11-CV-388

v.

HON. ROBERT HOLMES BELL

JOHN TAGLIA, et al.,

Defendants.

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**ORDER APPROVING AND ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On September 10, 2012, Magistrate Judge Joseph G. Scoville issued a Report and Recommendation (“R&R”) recommending that Defendants’ motions for summary judgment and for judgment on the pleadings (Dkt. Nos. 13, 38, 50, 70) be granted, that judgment be entered in favor of Defendants Davis, Gawne, Okuka, Duiker, Taglia, that Plaintiff’s claims against Defendant Ayala be dismissed, and that Plaintiff’s claims against Defendants’ Naeem and Calley be dismissed without prejudice. (Dkt. No. 91, R&R.) The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so has expired. The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly,

**IT IS HEREBY ORDERED** that the R&R (Dkt. No. 91) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's claims for damages against Defendants in their official capacities are **DISMISSED WITH PREJUDICE** because they are barred by Eleventh Amendment immunity.

**IT IS FURTHER ORDERED** that Plaintiff's claims against Defendant Naeem and Calley are **DISMISSED WITHOUT PREJUDICE** under Rule 4(m) of the federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that Defendant Ayala's motion for judgment on the pleadings (Dkt. No. 70) is **GRANTED** and that all of Plaintiff's claims against Defendant Ayala are **DISMISSED**.

**IT IS FURTHER ORDERED** that Defendants Davis, Gawne, Okuka, Duiker and Taglia's motions for summary judgment (Dkt. Nos. 13, 38, 50) are **GRANTED** and that **JUDGMENT** is entered in favor of these Defendants on all of Plaintiff's claims for damages against them in their individual capacities.

Dated: September 28, 2012

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE